

**IRELL & MANELLA LLP**

840 Newport Center Drive, Suite 400  
Newport Beach, CA 92660-6324  
Facsimile No.: (949) 760-5200  
Telephone No.: (949) 760-0991

This communication may contain confidential or privileged information and may constitute inside information. It is intended only for the addressee. Any distribution, reading, copying, or use of this communication by anyone other than the addressee is strictly prohibited and may be unlawful. If you received this in error, please notify us immediately by telephone, and return the original communication to us at the above address by mail. You will be reimbursed for your reasonable expenses. Thank you.

**Date:** August 7, 2003

**VIA FACSIMILE**

**Facsimile No.:** (703) 305-3590

**Office Telephone No.:**

**To:** Sarah K. Webb - Examiner  
/ USPTO

**From:** Ben Yorks

**cc:**

**No. of Pages:** 9  
(including cover page)

**FAX RECEIVED**  
AUG 07 2003  
GROUP 3700

\*\*\*\*\*PLEASE DELIVER TO: Sarah K. Webb - Examiner\*\*\*\*\*

**Re:** Application No. 09/895,304  
Med-Logics, Inc.

**Original will be sent via:** ☐ Mail ☐ Pouch ☐ Messenger ☐ Overnight Courier ☒ Will not be sent

PTO/SB/21 (08-00)

Approved for use through 10/31/2002. OMB 0651-0031  
U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

**TRANSMITTAL  
FORM**

(to be used for all correspondence after initial filing)

|                        |               |
|------------------------|---------------|
| Application Number     | 09/895,304    |
| Filing Date            | June 29, 2001 |
| First Named Inventor   | Sarah K. Webb |
| Group Art Unit         | 3731          |
| Examiner Name          | Tuan Nguyen   |
| Attorney Docket Number | 155615-0024   |


Total Number of Pages in This Submission

**ENCLOSURES (check all that apply)**

- |  |   |  |
|--|---|--|
| <input checked="" type="checkbox"/> Fee Transmittal Form<br><input type="checkbox"/> Fee Attached<br><input checked="" type="checkbox"/> Amendment / Reply<br><input type="checkbox"/> After Final<br><input type="checkbox"/> Affidavits/declaration(s)<br><input type="checkbox"/> Extension of Time Request<br><input type="checkbox"/> Express Abandonment Request<br><input type="checkbox"/> Information Disclosure Statement<br><input type="checkbox"/> Certified Copy of Priority Document(s)<br><input type="checkbox"/> Response to Missing Parts/ Incomplete Application<br><input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53 | <input type="checkbox"/> Assignment Papers (for an Application)<br><input type="checkbox"/> Drawing(s)<br><input type="checkbox"/> Licensing-related Papers<br><input type="checkbox"/> Petition<br><input type="checkbox"/> Petition to Convert to a Provisional Application<br><input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address<br><input type="checkbox"/> Terminal Disclaimer<br><input type="checkbox"/> Request for Refund<br><input type="checkbox"/> CD, Number of CD(s) _____ | <input type="checkbox"/> After Allowance Communication to Group<br><input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences<br><input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief)<br><input type="checkbox"/> Proprietary Information<br><input type="checkbox"/> Status Letter<br><input type="checkbox"/> Other Enclosure(s) (please identify below): |
|--|---|--|

Remarks

**SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT**

|                         |   |
|-------------------------|---|
| Firm or Individual name | Ben Yorks, Reg. No. 33,609<br>Irell & Manella, LLP                                  |
| Signature               |  |
| Date                    | August 7, 2003  |

**CERTIFICATE OF FAX TRANSMISSION**

I hereby certify that this correspondence is being sent via facsimile transmission to:  
 Attn: Examiner Sarah K. Webb at (703) 305-3590 at the U.S. Patent and Trademark Office on this date: **August 7, 2003**

|                       |   |      |                |
|-----------------------|---|------|----------------|
| Typed or printed name | Wendy Jones   |      |                |
| Signature             |  | Date | August 7, 2003 |

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

PTO/SB/17 (01-03)

Approved for use through 04/30/2003. OMB 0651-0032

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

# FEE TRANSMITTAL

## for FY 2003

Effective 01/01/2003. Patent fees are subject to annual revision.

☒ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$ ) 0.00

## Complete if Known

|                      |               |
|----------------------|---------------|
| Application Number   | 09/895,304    |
| Filing Date          | June 29, 2001 |
| First Named Inventor | Rod Ross      |
| Examiner Name        | Sarah Webb    |
| Art Unit             | 3731          |
| Attorney Docket No.  | 155615-0024   |

## METHOD OF PAYMENT (check all that apply)

☐ Check ☐ Credit card ☐ Money Order ☐ Other ☐ None
☐ Deposit Account:Deposit Account Number  
Deposit Account Name

09-0946

Irell &amp; Manella, LLP

The Commissioner is authorized to: (check all that apply)

☐ Charge fee(s) indicated below ☒ Credit any overpayments☒ Charge any additional fee(s) during the pendency of this application☐ Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.

## FEE CALCULATION

## 1. BASIC FILING FEE

| Large Entity Fee Code (\$) | Small Entity Fee Code (\$) | Fee Description        | Fee Paid |
|----------------------------|----------------------------|------------------------|----------|
| 1001 750                   | 2001 375                   | Utility filing fee     |          |
| 1002 330                   | 2002 165                   | Design filing fee      |          |
| 1003 520                   | 2003 260                   | Plant filing fee       |          |
| 1004 750                   | 2004 375                   | Reissue filing fee     |          |
| 1005 160                   | 2005 80                    | Provisional filing fee |          |

SUBTOTAL (1) (\$ )

## 2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

| Total Claims       | Extra Claims | Fee from below | Fee Paid |
|--------------------|--------------|----------------|----------|
| Independent Claims | -20** =      | X              |          |
| Multiple Dependent | -3** =       | X              |          |

| Large Entity Fee Code (\$) | Small Entity Fee Code (\$) | Fee Description  |
|----------------------------|----------------------------|--|
| 1202 18                    | 2202 9                     | Claims in excess of 20                                     |
| 1201 84                    | 2201 42                    | Independent claims in excess of 3                          |
| 1203 280                   | 2203 140                   | Multiple dependent claim, if not paid                      |
| 1204 84                    | 2204 42                    | ** Reissue independent claims over original patent         |
| 1205 18                    | 2205 9                     | ** Reissue claims in excess of 20 and over original patent |

SUBTOTAL (2) (\$ )

\*\*or number previously paid, if greater; For Reissues, see above

## FEE CALCULATION (continued)

## 3. ADDITIONAL FEES

Large Entity Small Entity

| Fee Code   | Fee (\$)   | Fee Code | Fee (\$) | Fee Description  | Fee Paid |
|------------|------------|----------|----------|--|----------|
| 1051 130   | 2051 65    |          |          | Surcharge - late filing fee or oath  |          |
| 1052 50    | 2052 25    |          |          | Surcharge - late provisional filing fee or cover sheet                     |          |
| 1053 130   | 1053 130   |          |          | Non-English specification  |          |
| 1812 2,520 | 1812 2,520 |          |          | For filing a request for ex parte reexamination                            |          |
| 1804 920   | 1804 920   |          |          | Requesting publication of SIR prior to Examiner action                     |          |
| 1805 1,840 | 1805 1,840 |          |          | Requesting publication of SIR after Examiner action                        |          |
| 1251 110   | 2251 55    |          |          | Extension for reply within first month                                     |          |
| 1252 410   | 2252 205   |          |          | Extension for reply within second month                                    |          |
| 1253 930   | 2253 465   |          |          | Extension for reply within third month                                     |          |
| 1254 1,450 | 2254 725   |          |          | Extension for reply within fourth month                                    |          |
| 1255 1,970 | 2255 985   |          |          | Extension for reply within fifth month                                     |          |
| 1401 320   | 2401 160   |          |          | Notice of Appeal   |          |
| 1402 320   | 2402 160   |          |          | Filing a brief in support of an appeal                                     |          |
| 1403 280   | 2403 140   |          |          | Request for oral hearing   |          |
| 1451 1,510 | 1451 1,510 |          |          | Petition to institute a public use proceeding                              |          |
| 1452 110   | 2452 55    |          |          | Petition to revive - unavoidable   |          |
| 1453 1,300 | 2453 650   |          |          | Petition to revive - unintentional   |          |
| 1501 1,300 | 2501 650   |          |          | Utility issue fee (or reissue)   |          |
| 1502 470   | 2502 235   |          |          | Design issue fee   |          |
| 1503 630   | 2503 315   |          |          | Plant issue fee  |          |
| 1460 130   | 1460 130   |          |          | Petitions to the Commissioner  |          |
| 1807 50    | 1807 50    |          |          | Processing fee under 37 CFR 1.17(q)  |          |
| 1806 180   | 1806 180   |          |          | Submission of Information Disclosure Stmt                                  |          |
| 8021 40    | 8021 40    |          |          | Recording each patent assignment per property (times number of properties) |          |
| 1809 750   | 2809 375   |          |          | Filing a submission after final rejection (37 CFR 1.129(a))                |          |
| 1810 750   | 2810 375   |          |          | For each additional invention to be examined (37 CFR 1.129(b))             |          |
| 1801 750   | 2801 375   |          |          | Request for Continued Examination (RCE)                                    |          |
| 1802 900   | 1802 900   |          |          | Request for expedited examination of a design application                  |          |

Other fee (specify)

\*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$ )

## SUBMITTED BY

(Complete if applicable)

|                   |                  |                                   |                |           |              |
|-------------------|------------------|-----------------------------------|----------------|-----------|--------------|
| Name (Print/Type) | Ben Yorks        | Registration No. (Attorney/Agent) | 33,609         | Telephone | 949 760-0991 |
| Signature         | <i>Ben Yorks</i> | Date                              | August 7, 2003 |           |              |

**WARNING:** Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

This collection of information is required by 37 CFR 1.17 and 1.27. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, Washington, DC 20231.

If you need assistance in completing the form, call 1-800-PTO-9199 (1-800-786-9199) and select option 2.

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

**ROD ROSS et al.**

Application No.: 09/895,304

Filed: June 29, 2001

For: **CUTTING BLADE ASSEMBLY  
FOR A MICROKERATOME**

Examiner: Sarah K. Webb

Art Group: 3731

AMENDMENT UNDER 37 C.F.R. § 1.116

Mail Stop Non-Fee Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

In response to the Office Action dated May 7, 2003, please amend the above-entitled application as follows.

IN THE CLAIMS

Please cancel claims 1-20 and 27-31.

Please amend claims 21, 24 and 45 as follows.

21. (Twice Amended) A blade assembly that can be assembled into a microkeratome used to cut a cornea, the microkeratome including a pin, comprising:

a blade that has a cutting edge, a rear edge, and a pair of side edges that extend between said cutting edge and said rear edge;

a blade holder that is coupled to said blade, said blade holder having a recess that receives the pin, and a hole; and,